

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Brez Stafon Simms

Docket No. 4:11-CR-28-1D

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brez Stafon Simms, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute a Quantity of Marijuana, in violation of 21 U.S.C. § 846, and Use and Carry a Firearm During and in Relation to a Drug Trafficking Crime and Aiding and Abetting, in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on September 2, 2011, to the custody of the Bureau of Prisons for a term of 90 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. Brez Stafon Simms was released from custody on January 24, 2017, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 27, 2017, the defendant tested positive for marijuana and verbally acknowledged using the drug on or about January 20, 2017, while in the Residential Reentry Center. The defendant subsequently tested positive for marijuana on February 12, and March 2, 2017. The defendant signed an admission of drug use form acknowledging the results of the tests and that the marijuana use occurred following his release from custody on January 24, 2017. The defendant received a verbal reprimand, was counseled for his actions, and referred to East Coast Counseling for a substance abuse assessment. As a sanction for his conduct, we are recommending he participate in the DROPS program, beginning in the second use level, and serve a two day jail sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Brez Stafon Simms
Docket No. 4:11-CR-28-1D
Petition For Action
Page 2

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: March 14, 2017

ORDER OF THE COURT

Considered and ordered this 14 day of March, 2017, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge